

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

OCT 17 2006

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

UNITED STATES OF AMERICA

v.

CARLOS DAVID CARO,

Defendant.

Case No. 1:06CR00001

OPINION AND ORDER

By: James P. Jones

Chief United States District Judge

In this capital criminal case, the magistrate judge was referred certain dispositive matters for recommendation. *See* Fed. R. Crim. P. 59(b)(1). By Report and Recommendation filed June 2, 2006 (Dkt. No. 161), the magistrate judge recommended that the court deny the following motions filed on behalf of the defendant:

- (1) Motion for Suppression of Statements to Law Enforcement Officers (Dkt. No. 95);
- (2) Motion to Strike (Dkt. No. 109);
- (3) Motion to Hold That Lethal Injection Is Cruel and Unusual Punishment (Dkt. No. 110);
- (4) Motion to Declare 18 USC § 3593 Unconstitutional (Dkt. No. 112); and
- (5) Motion to Dismiss the Government's Notice of Intent to Seek the Death

Penalty (Dkt. 123).

The defendant filed timely objections to certain of the magistrate judge's proposed findings and recommendations.¹ The objections were the subject of a hearing before this court on June 23, 2006. The objections and the motions are now ripe for decision.²

After considering de novo the objections to the magistrate judge's recommendations, Fed. R. Crim. P. 59(b)(3), and for the reasons stated by the magistrate judge, I overrule the objections and accept the recommendations.

Accordingly, it is **ORDERED** that above-described motions are DENIED.

ENTER: October 17, 2006



Chief United States District Judge

¹ The defendant did not object to the magistrate judge's recommendation to deny the Motion to Hold That Lethal Injection Is Cruel and Unusual Punishment (Dkt. No. 110) on the ground that the motion is not ripe.

² The transcript of the evidence before the magistrate judge was not filed until September 7, 2006. (Dkt. No. 268.)